

March 11, 2021

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan:

Congratulations on your recent confirmation as Administrator of the Environmental Protection Agency. The undersigned organizations are focused on building a healthy, inclusive future that Americans deserve. To accomplish this goal, we need regulations in place that protect the environment, guarantee safe workplaces, drive innovation and create a better quality of life that leaves no one behind. We look forward to working with you and your team in a collaborative fashion to protect public health and build on the agency's long record of environmental progress.

We write today to call your attention to an important issue in the weeks and months ahead: ongoing processes related to an agency framework for risk management procedures under Section 6(a) of the 2016 revisions to the Toxic Substances and Control Act (TSCA).

The current semiannual unified regulatory agenda lists an ongoing EPA effort to develop a proposed rule providing clarity on EPA's approach to chemical risk management under the 2016 Lautenberg Act TSCA revisions. Specifically, the agenda states that it aims to "establish a process for collaborating with other Federal agencies, involving the public, and engaging in formal consultations with certain stakeholders" as well as "identify the types of information needed from stakeholders in order to better inform risk management, and one or more approaches for evaluating critical or essential uses."<sup>1</sup>

This rulemaking is a natural follow-on to similar framework rules for the first two steps in the TSCA process: chemical prioritization and risk evaluation. We recognize that the Agency may soon consider potential changes to its risk evaluation procedures, and believe that concurrent development of a companion process for the final stage of addressing chemicals of concern is important to ensure consistency, predictability, and strengthening public confidence in agency decisions.

Risk management under the revised TSCA law is a new process for both the agency and stakeholders. A risk management framework would not limit the agency's ability to address unreasonable risks, but rather institute basic processes and criteria that could guide the agency and better inform all stakeholders, which are sometimes part of complex supply chains and

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<sup>1</sup> Available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202010&RIN=2070-AK80>

unfamiliar with EPA regulatory processes. For example, identification of factors that EPA will consider, coordination with other agencies, and guidance on specifying effective dates and how best to provide sufficient notice, are all steps that could be part of a tailored approach to regulatory safeguards that takes into account the unique properties and diverse uses of different chemicals.

We recognize that development of a risk management framework will take time and resources, and it may necessitate an iterative process as the agency identifies best practices and lessons learned from initial efforts. We strongly believe that environmental regulations – especially those governing chemicals in commerce – should be designed to ensure that they maximize results for at-risk communities, safeguard biodiversity and minimize negative societal and economic impacts. Additionally, instituting such a standardized approach will increase the efficiency of agency efforts to address chemical risks while also maximizing stakeholders’ ability to partner with the agency to effectively protect the environment and address public health concerns.

Thank you for your attention to this request. We stand ready to work with you on this important issue.

Sincerely,

Aerospace Industries Association  
American Coatings Association  
American Coke and Coal Chemicals Institute  
American Cleaning Institute  
American Petroleum Institute  
Can Manufacturers Institute  
Flexible Packaging Association  
Juvenile Products Manufacturers Associations  
National Association of Chemical Distributors  
National Association of Home Builders  
National Association of Printing Ink Manufacturers  
National Association for Surface Finishing  
National Council of Textile Organizations  
National Sand, Stone, and Gravel Association  
North American Association of Food Equipment Manufacturers  
Plastics Industry Association  
PRINTING United Alliance  
Single Ply Roofing Industry  
The Chlorine Institute  
The Society of Chemical Manufacturers & Affiliates  
The U.S. Chamber of Commerce  
Vinyl Institute